

## **REMARKS**

There were 44 claims in the original application numbered 1 – 44. Claims 43 – 47 are cancelled and claims 48 – 53 are new with this office action. Following this response to the Office Action there are 48 claims numbered 1 – 42 and 48 – 53. There are 6 independent claims and 42 dependent claims. Claims 1, 22 and 48 – 51 are the independent claims. Claims 2 – 21, 23 – 42 and 52 – 53 are the dependent claims. The status of the claims is as follows: claims 2 – 21 and 23 – 42 (Original), claims 1 and 22 (Currently amended), claims 43 – 47 (cancelled), and claims 48 – 53 (new).

Reconsideration and allowance of the claims argued herein is respectfully requested.

### **The § 112 Rejections**

At page 2, paragraph 2 of the Office Action, the Examiner rejects claims 43 – 47 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 44 – 47 are also rejected as being dependent on claim 43.

#### **Claims 43 - 47**

Claims 43 – 47 have been rewritten as claims 48 – 51. Claim 43 no longer contains the phrase “said flag indicating the character of [a] previous operating mode.” This phrase has been replaced in part with “said flag value indicating a previous operating

mode.” This is supported by the specification at page 9, lines 4 – 7, page 10, lines 13 – 15, and page 11, lines 20 – 23.

Claims 44 – 47 depended individually from claim 43 to include the limitation of the type of reboot or takeover (i.e. elective or non-elective). These claims have been written individually as independent claims to include the limitations of claim 43 and themselves.

For at least these reasons it is believed that claims 48 – 51 are allowable over the Examiner’s rejection. Action for allowance by the Examiner is respectfully requested.

At page 3, paragraph 5 of the Office Action, the Examiner rejects claims 43 – 47 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 44 – 47 are also rejected as being dependent on claim 43.

As previously stated, Applicant has rewritten claim 43 as claim 48 to read in part as follows: “...information identifying a flag value, said flag value indicating a previous operating mode said mode identifying an elective reboot of said first device to be effected while attempting to continue any active CIFS sessions.” which is clearly supported by the specification at page 9, lines 4 – 7; page 10, lines 13 – 15 and; page 11, lines 20 – 23.

For at least these reasons it is believed that claim 48 is allowable over the Examiner's rejection. Action for allowance by the Examiner is respectfully requested.

### **The § 103 Rejections**

At page 4 of the Office Action, the Examiner rejects claims 1 – 4, 8, 12, 16, 21 – 25, 29, 33, 37, and 42 under 35 U.S.C. 103(a) as being unpatentable over French, US patent no. 6,341,312.

#### Claims 1 - 4

At page 4, paragraph 9 the Examiner rejects claim 1. Applicant has amended claim 1 to read in part, “attempting to continue the CIFS session between at least one said client device and said file server that the request was part of, wherein said client device is unaware of said attempting”

French states at col. 13, lines 56 – 58 that “As previously mentioned, the inventive persistent connection mechanism is implemented in software residing on the client machine.” Conversely, Applicant's invention provides a seamless continuation of the same CIFS session by manipulation on the server side. The client is oblivious as to any problems with the connection and the client includes no software specifically designed to provide a persistent connection (see page 4, lines 1 – 2). Claim 1 as amended includes the limitation that the client is unaware there is a problem and that the client. In fact, unlike French, the invention teaches a server based solution so clients can be

software and hardware generic. French is not seen to teach or disclose an uninterruptible CIFS connection maintained at the server, thus French does not teach the invention.

For at least these reasons it is believed that claim 1 is allowable over French. Claims 2 - 21 depend either directly or indirectly from claim 1 and are also believed to be allowable over French. Action for allowance by the Examiner is respectfully requested.

### Claim 3

At page 5 of the office action the Examiner rejects claim 3 stating that determining automatically whether the processing of a CIFS request is at a point where state can be reliably recorded is inherent in maintaining state information. In the scope of French this may be true. Applicant's invention, however, is server-side controlled and from this perspective may have to manage an elective shutdown of the server. To allow the CIFS session to be maintained without data loss, the server rejects any new CIFS requests and allows all currently active CIFS requests to complete. At this point state can be reliably recorded. French is not seen to teach or disclose determination automatically when the processing of a CIFS request is at a point where said state can be reliably recorded, thus at least with respect to claim 3 French does not teach the invention.

For at least these reasons it is believed that claim 3 is allowable over French. Claims 4 depends directly from claim 3 and indirectly from claim 1 and is also believed to be allowable over French. Action for allowance by the Examiner is respectfully requested.

### Claim 8

In regard to claim 8, the Examiner states that “French teaches the step of recording state further comprises the step of determining whether the server shutdown was elective or non-elective (an interrupt...test outcome is negative or positive, col. 6 lines 10 – 20).

Claim 8 is repeated here for the convenience of the Examiner.

8. (original) The method of claim 1, wherein said step of recording state further comprises the step of determining whether said server shutdown was elective or non-elective.

The text of French Examiner refers to Figure 5. Figure 5 illustrates the following as a flowchart. 1. User connected to device, 2. Connection interrupted? (if no, goto #1), 3. request client at protocol level, 4. Pass security context to redirector. The text the Examiner refers to (both the flowchart and col. 6, lines 10 – 20) tests for an interrupted connection and not for a server shutdown as is claimed in Applicant's

invention. French does state that “An interruption may occur across the entire connection, due to a power failure, server failure or the like.”; however, French tests for an interruption of the connection and not for a server failure as claimed by the Applicants. French is not seen to disclose or suggest the feature of claim 8 at least with respect to recording state of a server failure, thus French does not teach the invention as recited by claim 8.

Furthermore, claim 8 claims recording state as to whether the server shutdown was elective or nonelective. French tests only of whether an interruption of the connection has occurred and not a test for whether a server shutdown has specifically occurred and if it was an elective or nonelective server shutdown. French is not seen to disclose or suggest the feature of claim 8 at least with respect to recording state of a server failure being elective or nonelective, thus French does not teach the invention as recited by claim 8.

For at least these reasons it is believed that claim 8 is allowable over French. Also, claim 8 depends directly from claim 1 and for at least the reasons stated regarding claim 1 it is believed that claim 8 is allowable over French.

#### Claim 21

At page 6, paragraph 16 the Examiner rejects claim 21. Claim 21 is repeated for the convenience of the Examiner.

21. (original) The method of claim 1, wherein said step of attempting to continue the CIFS session that the request was part of further comprises the step of processing the remaining portion of the uncompleted request.

The Examiner directs Applicant to col. 6, lines 20 – 48 of French; citing that French “replays the connections.” While this may be true, Applicants believe that “replaying the connections” in French refers to re-establishing the connection between the client and the server and not to processing any portion of an uncompleted request. Applicant can find no mention in the Examiner cited text that French processes any portion of an uncompleted request. French is not seen to disclose or suggest the feature of claim 21 at least with respect to processing any portion of an uncompleted request, thus French does not teach the invention as recited by claim 21.

For at least these reasons it is believed that claim 21 is allowable over French. Claim 21 depends directly from claim 1, and for the reasons cited incident to claim 1 is believed to also be allowable over French. Action for allowance by the Examiner is respectfully requested.

Claims 22 – 25, 29, 33, 37, and 42

These claims are essentially the above argued claims in apparatus form. They have been similarly amended, and for at least these reasons and those cited above are believed to be allowable over French.

### **The § 103 Rejections**

At page 7, paragraph 23 of the Office Action, the Examiner rejects claims 5, 9 – 11, 13 – 14, 17 – 19, 26, 34 – 35, 38 – 40 under 35 U.S.C. 103(a), as being unpatentable over French, US patent no. 6,341,312 in view of Delaney, US patent no. 5,996, 086. Applicant hereby traverses the rejection.

#### Claim 5

At page 7, paragraph 25 of the Office Action the Examiner states that “French does not explicitly teach the step of wherein the state is recorded to a non-volatile storage.” Applicant agrees, and in fact, Applicant finds nothing in French that teaches or discloses saving state to a non-volatile storage, thus French alone does not teach the invention as to claim 5.

Delaney is concerned with failover of one server to another, but it neither teaches nor discloses the use of a non-volatile memory to record state that includes state as it relates to the progress of CIFS requests. Moreover, although Applicant’s invention can include a server failover component, the invention is concerned with preserving



active CIFS sessions in light of the failover and not server survival itself. To apply Delaney in this manner requires impermissible hindsight.

For at least these reasons it is believed that claim 5 is allowable over French in view of Delaney. Claim 5 depends indirectly from claim 1, and for the reasons previously cited incident to claim 1 is believed to also be allowable over French in view of Delaney as a combination of the art is rendered moot. Action for allowance by the Examiner is respectfully requested.

#### Claim 9

At page 7, paragraph 26 of the Office Action the Examiner states that “French modified by Delaney teaches the step of determining whether the server shutdown is elective or non-elective is a function of a flag (test outcome, col. 6 lines 10 – 20) value stored in the non-volatile storage.” Claim 9 is repeated for the convenience of the Examiner.

9. (original) The method of claim 8, wherein said step of determining whether said server shutdown is elective or non-elective is a function of a flag value stored in said non-volatile storage.

The Examiner does not cite any specific text in Delaney and Applicant can find no mention in Delaney where “a step of determining whether said server shutdown is elective or non-elective is a function of a flag value stored in a non-volatile storage.” This feature is not present in French either as was previously argued, thus French modified by Delaney is not seen to teach or disclose this feature recited in claim 9.

Applicant also notes that Delaney appears to be solely concerned with “Failover” and does not even consider “elective shutdowns.”

For at least these reasons it is believed that claim 9 is allowable over French modified by Delaney. Claim 8 depends indirectly from claim 1, and for at least the reasons previously cited incident to claim 1 is believed to also be allowable over French modified by Delaney as a combination of the art is rendered moot. Action for allowance by the Examiner is respectfully requested.

Claims 10 – 11, 13, 14, 17 – 19, 26, 34 – 35, 38, 39 - 40

Applicant has argued these claims in previous sections of this Office Action response. For these claims, please see the arguments above, especially those directed to claim 1.

At page 9, paragraph 38 of the Office Action, the Examiner rejects claims 6, 7 27 – 28 under 35 U.S.C. 103(a), as being unpatentable over French, US patent no. 6,341,312 in view of Sakakura, US patent no. 6,334,139. Applicant hereby traverses the rejection.

#### Claims 6 – 7

At page 10, paragraph 40 the Examiner states that “French teaches the steps of recording state occurs as part of an elective reboot (test is negative, col. 6 lines 10 – 25) or elective takeover of a server further comprising:...” Applicant has already argued this issue and respectfully asks the Examiner to see arguments directed towards claim 8 above.

The Examiner continues stating “...ignoring current CIFS requests (one of ordinary skill in the art can recognize that the current request should be temporarily ignored after the interrupt occurs and before trying to process all active requests); French does not explicitly teach processing all active CIFS requests...”

Applicant agrees that requests may be ignored after an unscheduled interruption of the server (in most cases this is an unwanted symptom of the server failure); however, claim 6 explicitly claims an “elective” reboot of the server. In such a case, control of the currently active CIFS requests is important. Once an “elective”

shutdown is identified, the process can be controlled. That is, 1) current CIFS requests can be ignored, 2) active CIFS requests are processed to completion, and 3) state is recorded. This process illustrates an “elective” shutdown that may be initiated by a system administrator and not be a jarring unplanned event. Thus, ignoring current CIFS requests is not obvious to one of ordinary skill in the art. This is because one of ordinary skill in the art would normally expect CIFS requests not to be ignored they would expect the CIFS requests to be processed.

The Examiner continues stating “...Sakakura teaches processing all requests (re-boots the server B, the processing system is also restarted, col. 9 lines 22 – 26). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of French to Sakakura’s system because Sakakura’s ability [of] processing all requests would provide the system the ability to complete...[processing]...the requests after rebooting to speed up the processing system.”

It does appear that Sakakura executes objects *after* reboot; however, Applicant’s invention as recited in claim 6, claims “processing all active CIFS requests” as an action *prior* (emphasis added) to the reboot, thus Sakakura is not applicable. Sakakura is not seen to teach or disclose Applicant’s invention at least with respect to processing all CIFS requests as an action prior to a reboot. Any combination of Sakakura and French in regard to this aspect of Applicant’s invention is moot.

For at least these reasons it is believed that claim 6 is allowable over French, Sakakura, and French in view of Sakakura. Claim 7 depends directly from claim 6 and for the same reasons is also believed to be allowable. Claims 6 and 7 depend directly and indirectly from claim 1 respectively, and for at least the reasons cited incident to claim 1 are also believed to be allowable. Action for allowance by the Examiner is respectfully requested.

#### Claims 27 – 28

Applicant respectfully requests the Examiner see arguments set forth incident to claims 6 and 7 above.

At page 10, paragraph 42 of the Office Action, the Examiner rejects claims 30 – 32 under 35 U.S.C. 103(a), as being unpatentable over French, US patent no. 6,341,312 in view of Sakakura, US patent no. 6,334,139, and further in view of Delaney, US patent no. 5,996,086. Applicant hereby traverses the rejection.

#### Claims 30 – 32

Applicant has previously argued that French appears to make no determination as to whether a server shutdown is “elective” or “non-elective” at claim 8 above. For this reason and the reasons cited incident to claim 8, French alone or in

combination with other art addressing this feature of Applicant's invention is moot. Action for allowance by the Examiner is respectfully requested.

At page 11, paragraph 45 of the Office Action, the Examiner rejects claims 15, 20, 36 and 41 under 35 U.S.C. 103(a), as being unpatentable over French, US patent no. 6,341,312 in view of Delaney, US patent no. 5,996,086, and further in view of Chrabaszc, US patent no. 6,134,673. Applicant hereby traverses the rejection.

#### Claims 15 and 20

Claims 15 and 20 depends indirectly from claim 1 and for at least this reason and the reasons cited incident to claim 1 are also believed to be allowable over French in view of Delaney and further in view of Chrabaszc. Action for allowance by the Examiner is respectfully requested.

#### Claims 36 and 41

Claims 36 and 41 are essentially claims 15 and 20 in apparatus form and for at least this reason and the reasons cited incident to claims 15 and 20 are also believed to be allowable over French in view of Delaney and further in view of Chrabaszc. Action for allowance by the Examiner is respectfully requested.

At page 13, paragraph 51 of the Office Action, the Examiner rejects claims 43 – 47 under 35 U.S.C. 103(a), as being unpatentable over Delaney, US patent no. 5,996,086 in view of French, US patent no. 6,341,312. Applicant hereby traverses the rejection.

Claims 43 – 47

Applicant has canceled claims 43 – 47 and rewritten them as claims 48 – 51. Claims 48 – 51 include the limitations of claims 44 – 47 individually with claim 43 to produce independent claim versions of each.

Applicant now argues claims 48 – 51 based on the Examiner's rejections of claims 43 – 47. The flag present in French appears to register only a positive or negative condition. As has been previously argued incident to claim 8, Applicant does not find that the Examiner cited art teaches or discloses a flag value that indicates that "reboot" or "takeover" of a first device was either "elective" or "non-elective" as is claimed in claims 48 – 51, thus the cited art does not teach the invention.

For at least these reasons it is believed that claims 48 – 51 are allowable over Delaney in view of French. Action for allowance by the Examiner is respectfully requested.

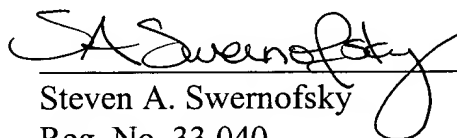
**Request for Allowance**

It is believed that this application is in condition for allowance. Applicants respectfully request reconsideration and allowance of this application.

If, in the opinion of the Examiner, an interview would expedite prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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